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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,930	04/19/2005	Jiska Margriet De Wit	NL 021085	5659
24737 7590 07/09/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER NGUYEN, TUAN HOANG	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,930

Applicant(s)

DE WIT ET AL.

Examiner

Tuan H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/06/2006 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 22 is rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Claim 22 appears to be "a computer program product for accessing new content" which is non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 9-16 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank Robert et al. (International Publication Number: WO 99/25107 hereinafter, "Frank").

Consider claim 1, Frank teaches a consumer electronic device, comprising: an output means able to generate a human perceptual signal (page 3 lines 21-30 and page 6 lines 15-24); a transmitter able to transmit a human non-perceptual signal (page 4 lines 5-15 and page 5 lines 17-20); and a control unit able to control the output means, able to create a representation of the human perceptual signal (page 4 lines 22-28), and able to instruct the transmitter to broadcast a human non-perceptual signal comprising the representation (page 5 lines 1-4 and page 6 line 33 through page 7 line 4).

Consider claim 2, Frank further teaches characterized in that the output means comprises at least one of a speaker and a headphone (page 6 lines 7-9).

Consider claim 3, Frank further teaches characterized in that the output means comprises a display (page 2 lines 22-29).

Consider claim 4, Frank further teaches characterized in that the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising an identifier identifying the human perceptual signal (page 5 lines 1-4 and page 6 line 33 through page 7 line 4).

Consider claim 5, Frank further teaches characterized in that further comprised is a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to detect a free time-slot in a transmission medium, and the control unit is able to instruct the transmitter to transmit the human non-perceptual signal in the free time-slot (page 4 lines 5-21).

Consider claim 6, Frank further teaches characterized in that further comprised is a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to receive a control signal, and the control unit is able to schedule own transmissions in accordance with the control signal (page 2 lines 11-17 and page 6 line 33 through page 7 line 4).

Consider claim 9, Frank teaches an electronic device, comprising: an output means for generating a human perceptual signal (page 3 lines 21-30 and page 6 lines

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15-24); a receiver able to receive a human non-perceptual signal (page 2 lines 11-17); and a control unit able to use the receiver to receive multiple human non-perceptual signals comprising representations of multiple further human perceptual signals (page 4 lines 22-28) and able to instruct the output means to generate the human perceptual signal from the representations (page 5 lines 1-4 and page 6 line 33 through page 7 line 4).

Consider claim 10, Frank further teaches characterized in that further comprised is an input means for enabling a user to select at least one of the representations and the control unit is able to instruct the output means to generate the human perceptual signal from the at least one of the representations (page 5 lines 1-4 and page 6 line 33 through page 7 line 4).

Consider claim 11, Frank further teaches characterized in that further comprised is a communication means for establishing communication between users and the control unit is able to use the communication means to establish communication between a user of the electronic device and a user of a similar electronic device having transmitted a human non-perceptual signal comprising the at least one representation (page 10 lines 11-14 and page 6 line 33 through page 7 line 4).

Consider claim 12, Frank further teaches characterized that the control unit is able to instruct the output means to make a further human perceptual signal more

noticeable in the human perceptual signal if it is generated on a nearby further electronic device and less noticeable if it is generated on a remote further electronic device (page 3 lines 21-30 and page 6 lines 15-24).

Consider claim 13, Frank further teaches characterized in that the control unit is able to use the receiver to receive multiple human non-perceptual signals comprising representations of acoustic signals (page 4 lines 5-21).

Consider claim 14, Frank further teaches characterized in that the control unit is able to use the receiver to receive multiple human non-perceptual signals comprising representations of visual signals (page 2 lines 11-18).

Consider claim 15, Frank further teaches characterized in that the control unit is able to use the receiver to receive a human non-perceptual signal comprising an identifier identifying a further human perceptual signal and able to instruct a display to display the identifier (page 7 lines 12-26).

Consider claim 16, Frank further teaches characterized in that the control unit is able to use a storage means to store at least one of: an identifier identifying a further human perceptual signal and at least a part of the representation of the further human perceptual signal (page 7 lines 28-34).

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Consider claim 18, Frank further teaches characterized in that: the control unit is able to use the receiver to receive a human non-perceptual signal comprising an identifier identifying a further human perceptual signal (page 7 lines 12-36); further comprised is an input means for enabling a user to request additional information (page 3 lines 21-30); further comprised is a transmitter able to transmit a human non-perceptual signal (page 4 lines 5-15 and page 5 lines 17-20); the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising a request for information and the identifier (page 7 lines 12-36); and the control unit is able to use the receiver to receive a human non-perceptual signal comprising additional information (page 3 lines 21-30).

Consider claim 19, Frank teaches method of making content available, comprising the steps of: creating a representation of a human perceptual signal generated by a consumer electronic device (page 3 lines 21-30 and page 6 lines 15-24); and broadcasting the representation (page 5 lines 1-4 and page 6 line 33 through page 7 line 4).

Consider claim 20, Frank teaches a method of accessing new content, comprising the steps of: receiving representations of multiple further human perceptual signals (page 4 lines 5-21); and generating a human perceptual signal from the representations (page 5 lines 1-4 and page 6 line 33 through page 7 line 4).

Consider claim 21, Frank teaches system for sharing human perceptual signals, comprising: a component able to create and broadcast a first representation of a first human perceptual signal (page 4 lines 22-28); a component able to create and broadcast a second representation of a second human perceptual signal (page 5 lines 17-20); and a component able to receive the first and the second representation and able to generate a third human perceptual signal from the first and the second representation (page 6 line 33 through page 7 line 10).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank in view of Foschini et al. (U.S PUB. 2002/0136231 hereinafter, "Foschini").

Consider claim 7, Frank teaches a method for controlling a flow of information, comprising: receiving a signal requesting to transmit information; associating a delay with the request to transmit information; and transmitting a signal identifying the time at which information is permitted to be transmitted.

Frank differs from the claimed invention in not specifically teaching characterized in that further comprised is a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to detect a level of occupation of a transmission medium, and the control unit is able to instruct the transmitter to adapt its transmission power in dependency of the level of occupation.

However, Foschini teaches characterized in that further comprised is a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to detect a level of occupation of a transmission medium, and the control unit is able to instruct the transmitter to adapt its transmission power in dependency of the level of occupation (page 3 [0034]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Frank for characterized in that further comprised is a receiver able to receive a further human non-perceptual signal, the control unit is able to use the receiver to detect a level of occupation of a transmission medium, and the control unit is able to instruct the transmitter to adapt its transmission power in dependency of the level of occupation, as per teaching of Foschini, because it provides greater interference reduction than if multi-user detection was used on both links, while is being more practical and engendering less processing and at a lower cost than if dirty paper coding was used on both links.

Consider claim 8, Foschini further teaches characterized in that the control unit is able to instruct the transmitter to transmit a human non-perceptual signal comprising

transmission power of the transmitter (page 3 [0034]).

Consider claim 17, Foschini further teaches characterized in that the receiver is able to receive a human non-perceptual signal comprising a geographical position of a further electronic device transmitting a human non-perceptual signal comprising a representation of a further human perceptual signal (page 2 [0019]).

Conclusion

9. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

T.N


NAY MAUNG
SUPERVISORY PATENT EXAMINER